

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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|-----------------------------|---|----------------------------|
| MICHAEL L. JONES, |) | C.A. No. 3:05-70-TLW |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ASSOCIATE WARDEN NFN PATE; |) | WRITTEN OPINION AND |
| WARDEN GEORGE T. HAGAN; AND |) | ORDER |
| LT. NFN BLACK, IN THEIR |) | |
| INDIVIDUAL CAPACITY, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |

In this *pro se* case, the plaintiff, an inmate formerly within the South Carolina Department of Corrections, asserts that the defendants violated his constitutional rights. The defendants deny these allegations and have filed a motion for summary judgment. The plaintiff has not filed any memorandum in opposition to the defendants' motion for summary judgment.

By Order dated September 15, 2005, the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to adequately respond to the motion. Despite this Order, the plaintiff did not file any response in opposition to the defendants' motion for summary judgment.

As the plaintiff is proceeding *pro se*, the Court filed another Order on October 31, 2005, allowing the plaintiff an additional period of fifteen (15) days in which to file his opposition to the defendants' motion for summary judgment. At that time, the Court noted

that it appeared the plaintiff wished to “abandon this action.” Additionally, the plaintiff was specifically advised that if he failed to respond to the defendants’ motion, the Magistrate Judge would recommend that this action be dismissed for failure to prosecute. Again, the plaintiff did not file any response in opposition to the defendants’ motion for summary judgment.

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned. In his Report, Magistrate Judge McCrorey recommends that this action be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. As reasoned by the Magistrate Judge:

Plaintiff has not responded to defendants’ motion for summary judgment or the court’s orders requiring him to respond. No other reasonable sanctions are available.

No objections have been filed to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Likewise, absent objections to the Report, it is reasonable to conclude that the plaintiff agrees with the Report and the recommendations contained therein.

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, and without objection, it is **ORDERED** that this case is **DISMISSED** for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

January 5, 2006
Florence, South Carolina